

REMARKS

The Claims were 3-8. Claim 3 has been currently amended and new Claim 9 has been added. Thus, Claims 3-9 are pending in this call all to more clearly and distinctly claim Applicants' invention. New Claim 9 claims a method of producing a dry analytical element where the organic solvent is as is. New Claim 9 introduces no new matter and is fully supported by the specification. Applicants respectfully request entry of the amendments as they place the application in condition for allowance or in better condition for possible appeal.

Rejection Based On Terashima Under 35 U.S.C. § 102 (b)

In the Advisory Action, the Examiner reiterates her rejection of Claims 3-8 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 4,900,665 to Terashima et al. Applicants respectfully traverse this rejection.

The Examiner asserts that Terashima discloses that a self-developing substrate is coated on the spreading layer (col. 8, line 30), the self-developing substrate comprises hydrophilic and hydrophobic characteristics (col. 8, lines 35-38) and reagent (self-developing). The Examiner also asserts that the prior art in addition to the self-developing substrate applies a surfactant that is coated on the spreading layer that includes a reagent (col. 8, lines 48-55). Therefore, the Examiner concludes that the prior art specifically discloses, teaches and suggests supplying a reagent solution on the spreading layer coated with an organic solvent. Applicants respectfully disagree.

To establish obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Claim 3 has been currently amended

to claim a method of producing a dry analytical element which includes supplying an organic solvent having both hydrophilic and hydrophobic characteristics not containing a reagent onto the spreading layer to coat the surface of the polyester fibers with the organic solvent, and thereafter, supplying a reagent solution containing a critical reagent for an objective analysis while leaving the organic solvent on the surface.

Terashima discloses a self-developing substrate is coated on the spreading layer. Terashima also discloses examples of organic solvents having both hydrophilic and hydrophobic characteristics in column 8, lines 35-38. Terashima further discloses that reagents such as surfactant may be incorporated into the spreading layer, and may be mixed with the coating solution in column 8, lines 48-55. In summary, Terashima teaches that a self-developing substrate is dissolved in an organic solvent, and coated on the spreading layer. Terashima also teaches that light blocking fine particles or reagents such as surfactant may be incorporated into the spreading layer, separate from the self-developing substrate (col. 8, line 48-55). In Example 6 of Terashima, after coating the spreading layer with a self-developing substrate aqueous ethanol solution, followed by drying, an aqueous hydroxy-propylmethyl cellulose solution containing nonylphenoxy polyglycidol and TiO₂ particles is coated (col. 11, lines 16-39).

However, Terashima does not teach to supply an organic solvent having both hydrophilic and hydrophobic characteristics not containing a reagent onto the spreading layer, and thereafter, supplying a reagent solution containing a critical reagent for an objective analysis while leaving the organic solvent on the surface of the polyester fibers. That is, in Terashima, the organic solvent contains self-developing substrate which is a critical reagent for an objective analysis, and the solution thereafter supplied contains a spreading controller

(hydroxypropylemethyl cellulose), surfactant (nonylphenoxy polyglycidol) and light-blocking fine particles (TiO_2) which are not critical reagents for an objective analysis.

In contrast, in the present invention, the spreading controller and surfactant are not included as the reagent. That is, the present invention on page 4, line 2 indicates that “a hydrophilic polymer or a reagent,” i.e. a hydrophilic polymer which is a spreading controller is not a reagent in the specification. The present invention further states that “[T]he spreading layer may contain a nonionic, anionic, cationic or ampholytic surfactant in order to accelerate spreading of a sample. Besides, it may contain a spreading controller, such as hydrophilic polymer for the purpose of controlling spreading. Furthermore, it may contain all or a part of various reagents for accelerating the objective detecting reaction or reducing or inhibiting interfering reactions.”, i.e. surfactant and spreading controller are not reagents, and while, reagent for accelerating the objective detecting reaction or reducing on inhibiting interfering reactions are included as the reagent. See Specification on page 5, lines 13-18.

Terashima is directed to an analytical element for measuring alkaline phosphatase activity, and was developed for solving a problem or insufficient preservation of substrate (col. 2, lines 23-24). Terashima found the preservation of the substrate is greatly deteriorated by containing an amino-alcohol or a basic buffering agent and a substrate in the same layer (col. 2, line 30-39), and solved the problem by separating them, i.e., incorporating the substrate into the spreading layer and the amino-alcohol and the basic buffering agent into the buffer layer (col. 3, lines 3-11) which is located under the spreading layer through an adhesive layer having a thickness of only 3 μm (Example 1). In Terashima, organic solvent is used for dissolving the self-developing substrate, and before coating the coating solution for light-blocking fine particles, the spreading layer is dried (col. 11, line 18) which should be

done enough in order to migrate the substrate into the buffer layer while coating the coating solution for light-blocking fine particles.

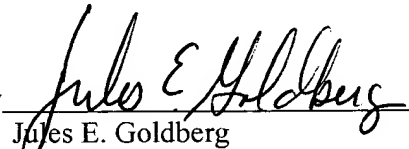
On the other hand, the present invention was developed for solving a problem of unevenness in color development of the reagent (page 3, line 25), and found caused by uneven containing of reagent in the spreading layer (page 4, lines 1-5), and solved by the problem by coating an organic solvent on the spreading layer prior to coating a reagent solution (page 4, lines 6-11). This is not taught by Terashima. Thus, Terashima does not disclose each and every claim elements of the claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102 (b) be reconsidered and withdrawn.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

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By



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